

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:20-cr-20121-JTF-tmp
	)	
BOBBY EGGLESTON,	)	
	)	
Defendant.	)	

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**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
AND DENYING DEFENDANT’S MOTION TO SUPPRESS**

Before the Court is Defendant Bobby Eggleston’s Motion to Suppress, filed on October 26, 2020. (ECF No. 19.) The Motion was referred to the Chief Magistrate Judge on November 9, 2020. (ECF No. 20.) The Chief Magistrate Judge held a hearing on December 16, 2020 (ECF No. 26) and issued a Report and Recommendation to Deny Defendant’s Motion to Suppress on February 12, 2021.<sup>1</sup> (ECF No. 29.) For the reasons that follow, the Court **ADOPTS** the Chief Magistrate Judge’s Report and Recommendation and **DENIES** Defendant’s Motion to Suppress.

**FINDINGS OF FACT**

In his Report and Recommendation, the Chief Magistrate Judge set forth proposed findings of fact. (ECF No. 29, 1–5.) This Court adopts and incorporates those proposed findings of fact.

**LEGAL STANDARD**

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v.*

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<sup>1</sup> Defendant entered a guilty plea on April 7, 2021. (ECF No. 34.)

*Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “[T]he magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted). Motions to suppress evidence are among the motions in criminal cases that are subject to *de novo* review. *See* 28 U.S.C. § 636 (b)(1)(A); *U.S. Fid. & Guarantee Co. v. Thomas Solvent Co.*, 955 F.2d 1085, 1088 (6th Cir. 1992). Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Board of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive further evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at \*3 (W.D. Tenn. Mar. 11, 2015). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

### **ANALYSIS**

Usually, a district court must review motions to suppress under the *de novo* standard. However, a district court is not required to review “a magistrate’s factual or legal conclusions,

under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In this case, neither Party filed objections.

The Court has reviewed the record in this case and conducted a *de novo* review of the Chief Magistrate Judge’s Report and Recommendation. (ECF No. 29.) As noted above, the Parties have failed to file any objections to the Report and Recommendation, and the time to do so has expired. Therefore, after a full review of the Report and Recommendation, the Court adopts the Chief Magistrate Judge’s recommendation that Defendant’s Motion to Suppress be **DENIED**.

### **CONCLUSION**

Upon *de novo* review, the Court hereby **ADOPTS** the Chief Magistrate Judge’s Report and Recommendation and **DENIES** Defendant’s Motion to Suppress.

**IT IS SO ORDERED** this 8th day of April, 2021.

**s/John T. Fowlkes, Jr.**  
John T. Fowlkes, Jr.  
United States District Judge